

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of:

)	
Request for Review (Appeal), of)	
Decision of the Universal Service Administrator)	Administrator Correspondence Dated
And Waiver)	November 24,2010
)	
For DOOLY COUNTY SCHOOL SYSTEM)	
BEN (127450))	
Vienna, Georgia)	CC Docket No. 02-6
)	File No: GA646FCC0601

To: Chief, Wireline Competition Bureau

Request for Review and Waiver

In accordance with Sections 54.719 through 54.721 of the Commission's Rules, by way of its agent, C. Scott Nutgrass, now comes Dooly County School System before the Federal Communications Commission (FCC) to request a review (appeal), of a decision issued by the Schools and Libraries Division of the Universal Service Administrative Company (Administrator) and a waiver of the commission's rules. This request comes timely submitted within 60 days of the Administrator decision.

C. Scott Nutgrass
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Agent of Record for Dooly County School System

Applicant:	Dooly County School System
Billed Entity Number:	127450
FCC Registration Number:	0005440607
Funding Year:	2006
Form 471 Number:	531942
Funding Request Number(s):	1470281, 1470349, 1469714, 1470128, and 1469805

Dated: 21-Jan-2011

In correspondence dated 24-Nov-2011, the Administrator provided a Funding Commitment Adjust Report for Form 471 Application 531942, FRN(s) 1470281, 1470349, 1469714, 1470128, and 1469805, **Attachment GA646FCC0601_A**. The Administrator is seeking recovery of \$31,983.30.

Specifically, the Administrator identified an issue with the response date included in the applicant's RFP associated with FCC Form 470 137190000577500. The allowable contract date according to the Form 470 was 02/14/2006. The date for vendor response included in the applicant's RFP document was 02/10/2006. The applicant formally contracted for services on 02/14/2006.

The Administrator has stated that since the vendor responses *"were due before the Form 470 for those same services had been posted for 28 days, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant."*

The Administrator's discovery of this issue has come approximately 18 months after the applicant participated in a compliance attestation examination with the program's agent, Grant Thorton. During the course of the on-site examination and in subsequent communications with the auditors, the issue of a 28-day rule violation was never identified nor discussed.

The applicant did in fact contract 28 days after the posting and did not intend to circumvent any competitive bidding requirements. Moreover, the applicant fully engaged in a competitive bidding process for services which were funded. The procurement agent for the district actively communicated with multiple service providers. This communication included providing the RFP to requestors, answering questions concerning the RFP, scheduling site visits by interested parties, receiving responses to the RFP, and seeking clarification on vendor responses to the RFP. No party interested in responding to the applicant's request for proposal requested additional time for response and no party was excluded from consideration based on a response date.

In context with the time period that the infraction occurred, funding year 2005, guidance provided to applicants was not specifically centered on the 28 day rule. Currently, the program's administrator is actively providing outreach to stakeholder's surrounding the competitive bidding process and clarification on program rules and expectations regarding timelines for the 28-day window. This outreach demonstrates an understanding from the administrator that some ambiguity existed among program participants regarding this process.

There is no evidence that the applicant engaged in waste, fraud, or abuse. In addition, there is no evidence that Dooly County School System intended to participate in an activity which would violate core program requirements. All funding sought, awarded, and disbursed was used for appropriate purposes and significantly enhanced the advancement of the district's instructional technology goals.

Given the minimal discrepancy between the applicant's documented response date, the fact that the applicant did contract after 28 days, and no interested service providers were prohibited from participation or bid evaluation, a waiver of the 28 day rule would be just and desired. The applicant engaged in a process that it felt was in full compliance with guidance provided at the time from the program administrator. Strict adherence and enforcement of the Administrator's decision will be financially devastating to a school district which is servicing a rural and economically disadvantaged population.

Dooly County School System, respectfully requests that the Commission review the facts of the Administrator's decision and provide a waiver of the rule for FY2006 application number 531942. In this specific case, enforcement of the rule for a minor procedural error would be inconsistent with the purpose of section 254(h).

Respectfully Submitted this 21st Day of January 2011,

//s//

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DRAFT

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